



# California Regional Water Quality Control Board

## Central Valley Region

Karl E. Longley, ScD, P.E., Chair.



Linda S. Adams  
Secretary for  
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Arnold Schwarzenegger  
Governor

1 October 2008

Ms. Caroline Warren  
California Department of Transportation  
CALTRANS District III  
P.O. Box 911  
Marysville, CA 95901-0911

**ACTION ON REQUEST FOR CLEAN WATER ACT §401 WATER QUALITY  
CERTIFICATION FOR DISCHARGE OF DREDGED AND/OR FILL MATERIALS FOR THE  
STATE ROUTE 99 ROADWAY REHABILITATION PROJECT, WDID NO. 5A04CR00163,  
GRIDLEY, BUTTE COUNTY**

**ACTION:**

1. ☐ Order for Standard Certification
2. ☒ Order for Technically-conditioned Certification
3. ☐ Order for Denial of Certification

**WATER QUALITY CERTIFICATION STANDARD CONDITIONS:**

1. This certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to §13330 of the California Water Code and §3867 of Title 23 of the California Code of Regulations (23 CCR).
2. This certification action is not intended and shall not be construed to apply to any discharge from any activity involving a hydroelectric facility requiring a Federal Energy Regulatory Commission (FERC) license or an amendment to a FERC license unless the pertinent certification application was filed pursuant to 23 CCR subsection 3855(b) and the application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
3. The validity of any non-denial certification action shall be conditioned upon total payment of the full fee required under 23 CCR §3833, unless otherwise stated in writing by the certifying agency.
4. Certification is valid for the duration of the described project. The Discharger shall notify the Regional Water Board in writing within 7 days of project completion.



**ADDITIONAL CONDITIONS (for Certification Action 2):**

In addition to the four standard conditions, the applicant shall satisfy the following:

1. Discharger shall notify the Central Valley Regional Water Quality Control Board (Regional Water Board) in writing of the start of any in-water activities.
2. Except for activities permitted by the U.S. Army Corps of Engineers (Corps) under §404 of the Clean Water Act, soil, silt, or other organic materials shall not be placed where such materials could pass into surface water or surface water drainage courses.
3. The discharge of petroleum products or other excavated materials to surface waters is prohibited.
4. Activities shall not cause turbidity increases in surface waters to exceed:
  - a. where natural turbidity is between 0 and 5 Nephelometric Turbidity Units (NTUs), increases shall not exceed 1 NTU;
  - b. where natural turbidity is between 5 and 50 NTUs, increases shall not exceed 20 percent;
  - c. where natural turbidity is between 50 and 100 NTUs, increases shall not exceed 10 NTUs;
  - d. where natural turbidity is greater than 100 NTUs, increases shall not exceed 10 percent.

Except that these limits will be eased during in-water working periods to allow a turbidity increase of 15 NTU over background turbidity as measured in surface waters 300 feet downstream from the working area. In determining compliance with the above limits, appropriate averaging periods may be applied provided that beneficial uses will be fully protected.

5. Activities shall not cause settleable matter to exceed 0.1 mL/l in surface waters as measured in surface waters 300 feet downstream from the project.
6. Activities shall not cause visible oil, grease, or foam in the work area or downstream.
7. All areas disturbed by project activities shall be protected from washout or erosion.
8. In the event that project activities result in the deposition of soil materials or creation of a visible plume in surface waters, the following monitoring shall be conducted immediately upstream and 300 feet downstream of the work site and the results reported to this office within two weeks:

Parameter	Unit	Type of Sample	Frequency of Sample
Turbidity	NTU	Grab	Every 4 hours during in water work
Settleable Material	mL/l	Grab	Same as above.



9. Discharger shall notify the Regional Water Board immediately if the above criteria for turbidity, settleable matter, oil/grease, or foam are exceeded.
10. Discharger shall notify the Regional Water Board immediately of any spill of petroleum products or other organic or earthen materials.
11. In the event of any violation or threatened violation of the conditions of this certification, the violation or threatened violation shall be subject to any remedies, penalties, process or sanctions as provided for under state law. For purposes §401(d) of the Clean Water Act, the applicability of any state law authorizing remedies, penalties, process or sanctions for the violation or threatened violation constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements incorporated into this certification.
12. In response to a suspected violation of any condition of this certification, the Regional Water Board may require the holder of any permit or license subject to this certification to furnish, under penalty of perjury, any technical or monitoring reports the Regional Water Board deems appropriate, provided that the burden, including costs, of the reports shall be a reasonable relationship to the need for the reports and the benefits to be obtained from the reports.
13. In response to any violation of the conditions of this certification, the Regional Water Board may add to or modify the conditions of this certification as appropriate to ensure compliance.
14. Discharger shall comply with all requirements of Corps §404 permit reference No. SPK-2008-00069.
15. If the project exceeds one acre or more of disturbed area, Discharger must obtain coverage under the NPDES General Permit for Storm Water Discharges Associated with Construction Activities issued by the State Water Resources Control Board.
16. The Discharger shall comply with their General NPDES Permit Order No 99-06-DWQ (NPDES No. CAS 000003) issued by the State Water Resources Control Board.

**REGIONAL WATER BOARD CONTACT PERSON:**

Scott A. Zaitz, R.E.H.S., Redding Branch Office, 415 Knollcrest Drive, Suite 100, Redding, California 96002, (530) 224-4784, [szaitz@waterboards.ca.gov](mailto:szaitz@waterboards.ca.gov)

**WATER QUALITY CERTIFICATION:**

I hereby issue an order certifying that any discharge from the SR 99 Roadway Rehabilitation Project (WDID No. 5A04CR00163) will comply with the applicable provisions of §301 ("Effluent Limitations"), §302 ("Water Quality Related Effluent Limitations"), §303 ("Water Quality Standards and Implementation Plans"), §306 ("National Standards of Performance"), and §307 ("Toxic and Pretreatment Effluent Standards") of the Clean Water Act.


*California Environmental Protection Agency*



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This discharge is also regulated under State Water Resources Control Board Water Quality Order No. 2003-0017 DWQ "Statewide General Waste Discharge Requirements For Dredged Or Fill Discharges that have received State Water Quality Certification (General WDRs)".

Except insofar as may be modified by any preceding conditions, all certification actions are contingent on (a) the discharge being limited and all proposed mitigation being completed in strict compliance with the applicant's project description and the attached Project Information Sheet, and (b) compliance with all applicable requirements of the Regional Water Board, Water Quality Control Plan (Basin Plan).

  
(for) PAMELA C. CREEDON  
Executive Officer

SAZ: ckg/knr

cc: Mr. Brian Vierria, U.S. Army Corp of Engineers, Sacramento  
Mr. Dave Smith, U.S. Environmental Protection Agency, Region 9, San Francisco  
U.S. Fish and Wildlife Service, Sacramento  
Mr. Bill Orme, State Water Resources Control Board, Certification Unit, Sacramento  
Mr. Bill Jennings, CALSPA, Stockton

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## PROJECT INFORMATION

**Application Date:** 9 May 2008

**Applicant:** California Department of Transportation, CALTRANS District III, P.O. Box 911, Marysville, CA 95901-0911. Attn: Caroline Warren

**Applicant Representatives:** Not applicable

**Project Name:** State Route 99 Roadway Rehabilitation Post Mile 8.6/13.1.

**Regional Board:** Central Valley Regional Water Quality Control Board-Redding Branch Office.

**Regional Board Application Number:** WDID No. 5R04CR00163

**U.S. Corps Application Number:** SPK-2008-00069

**Type of Project:** Rehabilitate and extend the existing pavement to improve safety on SR 99.

**Project Location:** State Route 99 from Rio Bonito north to just south of SR 162 East. M.D.B.&M.

- Sections 12&1, Township 18N, Range 2E
- Sections 7&6, Township 18N, Range 3E
- Sections 36, 25, & 24, Township 19N, Range 2E,
- Sections 19, 30, & 31, Township 19N, Range 3E,

Latitude: 39°27'03"N and Longitude: 121°41'30"W

**County:** Butte County

**Receiving Water (hydrologic unit):** Seasonal wetlands, perennial wetlands, vernal pools, and irrigation canals, which are tributary to the Sacramento River. Colusa Basin Hydrologic Unit-Butte Basin Hydrologic Area No. 520.40

**Water Body Type:** Seasonal wetlands, perennial wetlands, vernal pools, and irrigation canals.

**Designated Beneficial Uses:** The Basin Plan for the Central Valley Regional Water Quality Control Board has designated beneficial uses for surface and ground waters within the region. Beneficial uses that could be impacted by the project include: Agricultural Supply (AGR); Water Contact Recreation (REC-1); Non-contact Water Recreation (REC-2); Warm Freshwater Habitat (WARM); Cold Freshwater Habitat (COLD); Migration of Aquatic Organisms (MIGR); Spawning, Reproduction, and /or Early Development (SPWN); Wildlife Habitat (WILD); and Navigation (NAV).



**Project Description (purpose/goal):** The California Department of Transportation is proposing to rehabilitate and extend the life of the existing roadway on State Route 99 for safety purposes in the County of Butte. In addition to safety improvements the rehabilitation will conform to current design standards.

The existing roadbed will be overlaid with a minimum of 4 inches of dense graded asphalt concrete with a combination of Pavement Reinforcing Fabric. The shoulders will be widened from the current 31 feet roadway to 39 feet; rumble strips will be added to the shoulders. A left turn pocket will be added to Hamilton Road intersection, and the left turn pocket at SR 162 West will be extended to meet specifications. Guardrails will be upgraded to design standards. Drainage ditches will be replaced and extended beyond the Clear Recovery Zone. Digging for culvert placement will be excavated no deeper than 4.9 feet below ground.

**Preliminary Water Quality Concerns:** Turbidity, suspended matter, settleable matter, and various pollutants associated with construction activities.

**Proposed Mitigation to Address Concerns:** The Discharger will be required to obtain coverage under the States Caltrans Storm Water General Permit and must prepare and implement a Storm Water Pollution Prevention Plan. Discharger will implement Best Management Practices (BMPs) to control sedimentation and erosion. All disturbed areas must have an effective combination of erosion and sediment control BMP's in place during the rainy season. All temporary affected areas will be restored to pre-construction contours and conditions upon completion of construction activities. Discharger will conduct turbidity and settleable matter testing during water work, stopping work if Basin Plan criteria are exceeded and/or observed.

Caltrans Standard Specification requires that steps be taken to prevent water quality impacts during construction, as described in the BMP program. These include the following measures: Vernal pools will be protected from construction equipment and activities by orange fencing, designating an Environmentally Sensitive Area (ESA). BMPs must be implemented if work is conducted in wetland areas during the rainy season (October 15-April 15).

**Fill/Excavation Area:** Project implementation will permanently impact 1 acre of seasonal wetlands; 0.01 acre of perennial wetland; 0.13 acre of roadside ditch (566 lineal feet); and 0.12 acre of vernal pools for a total of 1.26 of impacts to waters of the United States.

**Dredge Volume:** Not applicable

**U.S. Army Corps of Engineers Permit Number:** The applicant proposes to utilize Nationwide Permit No. 23 (Approved Categorical Exclusions) and Nationwide Permit No. 12 (Utility Line Improvements) for this project. The applicant must comply with all of the conditions of the U.S. Army Corps of Engineers Permit reference No. SPK-2008-00069.

**Regional Water Board Public Notice:** Information regarding this project was noticed on the Central Valley Water Board's website from 30 May 2008 to 20 June 2008. No comments were received.

**Department of Fish & Game Streambed Alteration Agreement:** Not Required.



**Possible Listed Species:** Based on the biological evaluation conducted by the Department of Transportation biologists, several T&E occur within the project boundaries. A biological opinion issued January 12, 2006 listed the following species, vernal pool fairy shrimp, vernal pool tadpole shrimp, and giant garter snake.

**Status of CEQA Compliance:** On 25 January 2006 the California Department of Transportation signed a Notice of Exemption approving a Categorical Exemption pursuant the guidelines of the California Environmental Quality Act stating the project will not have a significant effect on the environment. State Clearinghouse Number 2005102120.

**Compensatory Mitigation:** All compensatory mitigation will be performed onsite by creating and restoring impacted areas. The Discharger proposes to create 1 acre of seasonal wetland, 0.08 acre of perennial wetland, 0.24 acre of vernal pools, and 0.127 acre of irrigation channels. Restoration efforts will include restoring 0.98 acre of seasonal wetlands, and 0.41 acre of irrigation channels.

**Application Fee Provided:** A certification fee of \$3,101 was submitted on 9 May 2008 as required by 23 CCR §3833b(2)(A) and by 23 CCR § 2200(e).

